

## **REMARKS**

This paper provides an amendment accompanying a request for continued examination. This paper follows a final office action in which claims 1, 3-5, 7-9, 23-31, 33-34 and 47-50 are rejected, and claims 2, 6, 10-22, 32 and 35-46 are objected to but would be allowable if rewritten in independent form. With this paper, claims 1, 2, 15, 27, 40 and 50 are amended; support for the amendment can be found in the specification at page 2, line 20 through page 4, line 10, in Figures 1a and 1b and corresponding text at page 7, line 15 through page 9, line 14. No new matter has been introduced by way of amendment. Applicants have also added new claim 51, which is a method claim mirroring the subject matter of amended device claim 2. No new matter has been introduced.

### ***Claim Objections***

At section 3 of the office action, claims 10, 12, 17, 18, 22, 28, 29, 40 and 43 are objected to for informalities. Applicants have made the appropriate corrections to amended claims 10, 12, 17, 18, 22, 28, 29, 40 and 43 as suggested by the Examiner to overcome the objections. Withdrawal of the objections is respectfully requested.

### ***Claim Rejections – 35 USC §103***

At sections 4-5 of the office action, claims 1, 3-5, 7-9, 23-24, 26-31, 33-34, 47, 49 and 50 are rejected under 35 U.S.C 103(a) as being unpatentable over *Berg et al.* (US 6,704,256, hereinafter referred to as *Berg*) in view of *Komurasaki et al.* (US 4,334,299, hereinafter referred to as *Komurasaki*).

Applicants respectfully disagree.

As amended, claims 1, 2, 27, 40, 50 and 51 are independent claims. As set forth in claim 1 as amended, the device comprises:

“at least one access unit for reading out data from and *writing data to* said optical storage medium; a light source arranged to produce at least one first

light beam and *at least one second light beam*; optics arranged to transmit and guide said first light beam and said second light beam towards said data tracks of the optical storage medium; and a detector arranged to detect light beams that are reflected from the surface of the optical storage medium, wherein said access unit is arranged to pivot on one end at a pivot point in order to move three-dimensionally in relation to the pivot point, said optics and said detector are arranged to move in accordance with the movement of said access unit, said optics are arranged to guide said first light beam *transversal directly to data tracks* of the optical storage medium in accordance with the movement of said access unit, and said detector is arranged to receive the reflected beams of said first light beam or said second light beam from said data tracks of the optical storage medium in order to control the movement of said access unit" [*Emphasis added*].

The Office admits that *Berg* does not disclose an access unit for *writing data* to said optical storage medium, that the at least one light source is arranged to produce *at least one second light beam*, and that said optics are arranged to guide said first light beam *transversal directly to data tracks* of the optical storage medium. The Office turns to *Komurasaki* to disclose these features. As disclosed at col. 2, lines 29-42, *Komurasaki* teaches an optical recording and reproducing system wherein the recording light beam (i.e. first light beam) forms a recording spot on a record surface and the reproducing light beam (i.e. second light beam) forms a first reproducing spot at the fixed distance from the recording spot. *Komurasaki* further teaches at col. 4, lines 40-44 that the reproducing spot is disposed temporarily delayed with respect to that of the recording spot and that it immediately reproduces the signal recorded in the recording spot (in the pit on the record surface). This process is used for monitoring the quality of the recorded signals immediately after their recording (col. 5, lines 15-23). The Office asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied the teachings of *Komurasaki* to the device of *Berg*. Applicants respectfully disagree. If the skilled person were to consider combining the teachings of *Berg* and *Komurasaki* he would not arrive at the solution disclosed in claim 1.

In consideration of the prior art, the skilled person is faced with the problem of how to obtain a compact access unit that is lightweight enough to be capable of moving around a pivot point (specification page 2, lines 7-11) and that can be used for reading and writing repetitively. When combining the access unit of *Berg* with means for producing recording

and first reproducing light beams of *Komurasaki*, the skilled person would arrive at an access unit that is capable of writing and monitoring the quality of the writing, but not capable of repetitively reading (reproducing) the recordings (*Komurasaki* col. 5, lines 24-32). *Berg* discloses utilizing one light source (302) to produce one light beam. *Komurasaki* discloses utilizing two separate light sources (12, 32) to produce two light beams (18, 40). In order to combine the teachings of *Berg* and *Komurasaki* and arrive at an access unit capable of both writing and repetitively reading the disc, a second reproducing light source of *Komurasaki* would need to be added to emit a second reproducing light beam that is capable of reproducing a recorded signal that has been recorded previously (col. 2, lines 20-26; col. 6, lines 6-23). Consequently, the access unit resulting from the combined teachings of *Berg* and *Komurasaki* would be heavy because the extra light sources are weighty and large in size (see specification page 2, lines 9-11). An object of the present invention, as described in the specification at page 2, lines 20-26, is to overcome the disadvantages created by the weight/size of the prior art devices. As supported by the specification at page 4, lines 5-10 and 19-28, the configuration of the device as recited in claim 1 results in a lightweight and compact movable access unit, which provides an advantage over the heavier prior art devices. As stated above, combining the teachings of *Berg* and *Komurasaki* would produce another heavy, non-compact device, which is essentially contrary to the teachings of the present invention, as produced by the device configuration recited in claim 1. Therefore, Applicants respectfully submit that the skilled person would *not* combine the teachings of *Berg* and *Komurasaki* in order to arrive at a lightweight and compact movable access unit as disclosed in claim 1 of the claimed invention.

Furthermore, the disclosure of *Berg* and *Komurasaki* in terms of the number of light sources and beams is clear: both references consistently teach that one must have a separate light source for each separately produced light beam. In other words, the combined disclosure of *Berg* and *Komurasaki* is consistent in saying that there must be a one-to-one relationship between the number of light sources and the number of produced light beams. Therefore, even if one of ordinary skill in the art were to consider combining *Berg* and *Komurasaki*, one would thus inevitably be bound to said one-to-one relationship

between the number of light sources and number of produced light beams. In the hypothetical combined structure produced by combining *Berg* and *Komurasaki*, there would be two separate light sources: one for producing the first light beam and another for producing the second light beam. From the teachings of *Berg* and *Komurasaki*, it would be impossible to derive any combined teaching in which a single light source would produce two different light beams. Thus, the feature of “a single light source arranged to produce at least one first light beam and at least one second light beam”, as recited in amended claim 1, would remain missing in the hypothetical combined structure produced by combining *Berg* and *Komurasaki*. Consequently, for at least the reasons above, Applicants respectfully submit that claim 1, as amended, is patentable over *Berg* in view of *Komurasaki*.

Claims 3-5, 7-8, 24 and 26 are dependent from claim 1 and recite features not recited in claim 1. For at least the reasons regarding claim 1 above, claims 3-5, 7-8, 24 and 26 are also patentable over *Berg* in view of *Komurasaki*. The Office rejects claims 27-31, 33-34, 47, 49 and 50 on the same basis as claims 1, 3-5, 7-8, 24 and 26 as they have similar limitations. For at least the reasons regarding claim 1 above, claims 27-31, 33-34, 47, 49 and 50 are also patentable over *Berg* in view of *Komurasaki*.

At section 6 of the office action, claims 25 and 48 are rejected under 35 U.S.C 103(a) as being unpatentable over *Berg* and *Komurasaki*, and further in view of *Snyder et al.* (US 6,215,755, hereinafter referred to as *Snyder*). Claim 25 is dependent from claim 1 and recites required features not recited in claim 1. Claim 48 is dependent from claim 27 and recites required features not recited in claim 27. For at least the reasons regarding claims 1 and 27 above, claims 25 and 48 are also patentable over *Berg* and *Komurasaki*, and further in view of *Snyder*.

### ***Allowable Subject Matter***

At section 7 of the office action, claims 2, 6, 10-22, 32 and 35-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening

claims. Claims 2 and 40 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that claims 2 and 40 as amended are now in condition for allowance and request that the rejection of claims 2 and 40 be reconsidered and withdrawn.

Claim 15, as amended, is dependent from claim 2 and recites required features not recited in claim 2. For the reasons regarding claim 2 above, Applicants respectfully submit that claim 2 is also allowable in view of its dependency and request that the rejection of claim 15 be reconsidered and withdrawn.

Claim 16 is dependent from claim 15 and recites required features not recited in claim 15. For the reasons regarding claim 15 above, Applicants respectfully submit that claim 16 is also allowable in view of its dependency and request that the rejection of claim 16 be reconsidered and withdrawn.

Claims 6, 10-14 and 17-22 ultimately depend from claim 1. Claims 32, 35-39 and 41-46 ultimately depend from claim 27. For at least the reasons regarding claims 1 and 27 above, claims 6, 10-14, 17-22, 32, 35-39 and 41-46 are allowable in their dependent form. Applicants respectfully request that the rejections of claims 6, 10-14, 17-22, 32, 35-39 and 41-46 be reconsidered and withdrawn.

New claim 51 is a method claim having similar features to those recited in device claim 2. For the reasons regarding claim 2 above, Applicants respectfully submit that claim 51 is also allowable.

**CONCLUSION**

In view of the foregoing, claims 1-51 are allowable. Early allowance of all pending claims is earnestly solicited.

Respectfully submitted,

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